

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**BIG DOG LOGISTICS, LLP**

**v.**

**SHIPINPAX, LLC**

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**C.A. NO. 4:13-CV-01630  
(Jury Trial Demanded)**

**STATEMENT OF DEFENDANT SHIPINPAX, LLC ON REMOVAL ACTION**

**Defendant SHIPINPAX, LLC** files this Statement Regarding Removal Action in response to this Court's Order Concerning Removal, entered July 15, 2013 [D.E. 14].

1. The date(s) on which defendant(s) or their representative(s) first received a copy of the summons and complaint in the state court action.

**RESPONSE TO ITEM ONE:**

**May 7, 2013 receipt of May 7, 2013 service by mail. On or about May 7, 2013, Defendant SHIPINPAX LLC first received notice of the State Court Civil Action, and the claim for relief on which the State Court Civil Action is based, by citation and petition served by mail dated May 6, 2013 on Leonard Wright, the Registered Agent for Defendant SHIPINPAX, LLC, by certified mail addressed to Defendant, which was received on or about May 7, 2013.**

2. The date(s) on which each defendant was served with a copy of the summons and complaint, if any of those dates are different from the date(s) set forth in item number 1.

**RESPONSE TO ITEM TWO:**

**Dates are not different from those set forth in item number 1.**

3. In actions predicated on diversity jurisdiction, whether any defendants who have been served are citizens of the state in which this Court sits.

**RESPONSE TO ITEM THREE:**

**No defendant is a citizen of the state in which this Court sits. At the time of commencement of this action, and since that time, Defendant Shipinpax, LLC was, and is now, a limited liability company organized under the law of Georgia whose principal place of business is in Atlanta, Georgia and for jurisdictional purposes is citizen and resident of the State of Georgia.**

4. In actions predicated on diversity jurisdiction, the amount alleged to be in controversy and the basis for this information.

RESPONSE TO ITEM FOUR:

**Plaintiff alleges the amount in controversy is over \$100,000. The basis for this information is the text of the plaintiff's original petition, which in paragraph 2 states that Plaintiff "Big Dog notifies the Court and all parties that it seeks monetary relief of over \$100,000.00, together with monetary relief." See copy of petition, filed June 3, 2013 together with Notice of Removal [D.E. 1-2].**

5. If removal takes place more than thirty (30) days after any defendant first received a copy of the summons and complaint, the reasons why removal has taken place at this time and the date on which the defendant(s) first received a paper identifying the basis for such removal.

RESPONSE TO ITEM FIVE:

**Removal did not take place more than thirty (30) days after any defendant first received a copy of the summons and complaint. The only defendant filed its Notice of Removal on June 3, 2013. See D.E. 1, filed June 3, 2013. Such is less than thirty (30) days after defendant first received a copy of the summons and complaint on May 7, 2013.**

**Dated: July 24, 2013.**

Respectfully submitted,

/s/John H. Bennett, Jr.  
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**SHIPINPAX, LLC**

**CERTIFICATE OF SERVICE**

This certifies that, on the date of this Certificate, I served a true and correct copy of the above and foregoing Statement Regarding Removal Action on the attorneys for Plaintiff, Big Dog Logistics, LLP, by filing on the CM/ECF System for the Southern District of Texas, upon William B. Underwood, III, Attorney at Law, Underwood, Jones, Scherrer & Malouf, PLLC, 5177 Richmond Avenue, Suite 505, Houston, Texas 77056, and by email transmission sent to [bunderwood@ujsmllaw.com](mailto:bunderwood@ujsmllaw.com).

Dated: July 24, 2013.

/s/John H. Bennett, Jr.

John H. Bennett, Jr.